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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 BRENDA M. JOHNSON,

11 Plaintiff,

v.

12 CATHOLIC COMMUNITY
13 SERVICES, et al.,

14 Defendants.

CASE NO. C19-5316 BHS

ORDER DISMISSING AMENDED
COMPLAINT AND GRANTING
PLAINTIFF LEAVE TO AMEND

15 This matter comes before the Court on Plaintiff Brenda Johnson's ("Johnson")
16 amended complaint. Dkt. 8.

17 On April 19, 2019, Johnson filed a motion for leave to proceed *in forma pauperis*
18 and a proposed complaint. Dkts. 1, 1-1. On May 13, 2019, Magistrate Judge Creatura
19 granted the motion and recommended a review of the complaint before service. Dkt. 5.
20 Johnson alleges that Defendants Catholic Community Services ("CCS") and Nativity
21 House violated her civil rights and discriminated against her on the basis of a housing
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1 decision. Dkt. 6. Based on the attachments to Johnson’s complaint, it appears that CCS
2 operates the Nativity House as a 90-day temporary shelter for homeless individuals. *Id.*
3 at 20–22.

4 On June 4, 2019, the Court *sua sponte* dismissed Johnson’s complaint for failure
5 to state a claim and granted Johnson leave to amend. Dkt. 7. On June 1, 2019, Johnson
6 filed a new complaint. Dkt. 8. Johnson asserts a claim for breach of contract and
7 diversity jurisdiction. *Id.* at 1. Johnson, however, fails to allege that all of the named
8 defendants are citizens of other states, which is required for diversity jurisdiction. *See* 28
9 U.S.C. § 1332(a)(1) (The federal court’s basic diversity jurisdiction extends to “all civil
10 actions where the matter in controversy exceeds . . . \$75,000 . . . and is between . . .
11 [c]itizens of different States.”). In fact, it appears that the defendants are all citizens of
12 the State of Washington. Dkt. 8 at 2–3. Therefore, the Court *sua sponte* dismisses the
13 complaint for failure to properly allege jurisdiction.

14 The remaining question is whether the Court should grant Johnson leave to amend
15 for the second time. In the event the court finds that dismissal is warranted, the court
16 should grant the plaintiff leave to amend unless amendment would be futile. *Eminence*
17 *Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003). Although Johnson
18 fixed some of the deficiencies in her original complaint, her amended complaint suffers
19 from other deficiencies. The Court finds that Johnson could properly assert diversity
20 jurisdiction in another amended complaint by alleging the citizenship of each defendant.
21 Therefore, the Court grants Johnson leave to amend. An amended complaint shall be
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1 filed no later than August 23, 2019. Failure to file an amended complaint or otherwise
2 respond will result in dismissal of this action without further order of the Court.

3 **IT IS SO ORDERED.**

4 Dated this 2nd day of August, 2019.

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7 BENJAMIN H. SETTLE
United States District Judge
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